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DATE: March 27, 2017

TO: County and Municipal Clerks Using the Optech Eagle

FROM: Michael Haas
Commission Interim Administrator

Richard Rydecki
Elections Specialist

SUBJECT: Absentee Ballot Processing Guidance for Municipalities Using the Optech Eagle

In order to ensure the accurate counting of votes on ballots processed by the Optech Eagle optical scan voting system, the Wisconsin Elections Commission recommends that all municipalities who continue to use the Optech Eagle require election inspectors to either remake all absentee ballots returned by mail or hand count those ballots. This procedure will ensure that votes on absentee ballots are tabulated in accordance with the intent of the voter. This recommended procedure should remain in place until the Optech Eagles are no longer in use.

This recommendation is limited to only absentee ballots returned by mail. This recommendation was affirmed by the Wisconsin Elections Commission at its meeting on March 14, 2017, and is a result of several issues identified with the equipment during both the statewide recount for the Office of the President and the post-election voting equipment audit that followed the 2016 November General Election. Both the statewide recount and the post-election voting equipment audit did not identify tabulation problems with ballots marked with approved marking devices. Local election officials and election inspectors have little control over the marking devices used by voters who return their absentee ballots by mail, which is why this recommended procedure is limited to those ballots.

As you know, the Optech Eagle requires the voter to use a marking device that produces a carbon-based mark in order for the machine to read votes on a ballot. If a voter marks their ballot using a marking device other than a vendor-approved marker or #2 pencil, such as a regular marker, it is possible that the Optech Eagle will not be able to determine voter intent. The machine would read these ballots as blank and the result would be an increase in the number of undervotes for each contest where a voter attempted to mark a choice.

Absentee ballots returned by mail should be segregated by local election officials so that they can be remade or hand-counted by election inspectors at the polling place on Election Day. Election inspectors should not darken or re-mark any ballots returned by a voter before inserting the ballot into the machine. Detailed instructions on remaking ballots have been provided along with this communication for your reference, and can also be found in the Election Day Manual.

Thank you for your attention to this important issue and please contact the WEC Help Desk at (608) 261-2028 or elections@wi.gov if you have any questions regarding processing ballots used by the Optech Eagle.